REMARKS

Applicant has studied the Final Office Action dated August 14, 2008. Claims 1-6 and 8-14 are pending. Claim 6 has been amended to more clearly disclose the present invention. Claims 1 and 6 are independent claims. No new matter has been added as the amendments and new claims have support in the specification as originally filed. Further, it is believed that no new issue is raised by the present amendments to the claims.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§ 112 Rejections

The Examiner rejected claims 6, 8-12, and 14 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner also rejected claims 6, 8-12, and 14 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner asserted, at paragraph 3 of the Office action, that the disclosure in the specification does not support the subject matter recited in independent claim 6 with respect to the phrase "extracting and **storing** the thumbnail image from a broadcasting stream while the broadcasting stream is stored." It is respectfully noted that independent claim 6 was previously amended in the response filed on April 23, 2008 by incorporating the features previously recited in canceled claim 7 that recited "wherein the extracting step of the thumbnail image is performed while the broadcasting stream is stored." Further, it is noted that paragraph [0019] of the specification as originally filed discloses "[i]n addition, the thumbnail image is extracted at a predetermined interval while the broadcasting stream is stored." Therefore, contrary to the Examiner's assertion, it is respectfully submitted that the amended limitation reciting "while the broadcasting stream is stored" is not new matter.

Further, the Examiner asserted, at paragraph 5 of the Office action, that the limitation "extracting and storing the thumbnail image from a broadcasting stream while

the broadcasting stream is stored" is confusing. Specifically, the Examiner asserted "[s]toring while storing confusing as well as extracting and storing while storing." As disclosed at paragraph [0037] of the specification as originally filed, the present invention "extracts and stores a thumbnail image according to a prescribed standard while a program is recorded." As recite in independent claim 6, two different elements are stored in the present invention.

Furthermore, independent claim 6 has been amended to more clearly disclose the present invention and recites extracting a thumbnail image from a broadcasting stream and storing the extracted thumbnail image while the broadcasting stream is stored. It is respectfully submitted that extracting a "thumbnail image" and storing the extracted "thumbnail image" while the "broadcasting stream" is stored, as recited in independent claim 6, is not confusing and definite.

Accordingly, it is respectfully asserted that the grounds for the rejections of independent claim 6 and its dependent claims 8-12 and 14 have been overcome.

§ 102 Rejections

Claims 1, 5-6, and 11-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Srinivasan et al. ("Srinivasan" US 20010023436). Applicant respectfully disagrees with the Examiner's interpretation of Srinivasan and respectfully traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

With regard to the rejection of independent claim 1, it is respectfully noted that the Examiner asserts, at paragraph 7 of the Office action, that Srinivasan discloses an "image extracting means for extracting the thumbnail image from the broadcasting" in FIGS. 1 and 15 and "while the broadcasting stream is stored" at paragraph [0175]. In

particular, the Examiner asserts that paragraph [0175] of Srinivasan discloses "stored files manipulated according to edit."

It is noted that the overall purpose of the authoring station 11 disclosed in FIG. 1 of Srinivasan is addition of innovative material to the video data stream, such as text overlay, graphic icons and logos for advertisement, some of which may be associated with identity and address data to allow a viewer at a computerized end station to access advertisements and other data which may be associated with individual entities in the video presentation. (paragraph [0044]). It is further noted that FIG. 15 of Srinivasan merely discloses thumbnails.

With regard to the thumbnails disclosed in Srinivasan, it is noted that the thumbnails are created by an editor to represent a first video frame or still of a sequence of frames that comprise a video-stream sequence. (paragraph [0164]). Srinivasan also discloses that an editing window is adapted to work with stored digital files taken from a digital or analog video feed and the window is preferably adapted to work with one video stream that is recorded and stored as a digital file. (paragraph [0162]). Therefore, it is respectfully submitted that the thumbnail images disclosed in Srinivasan are extracted from the recorded and stored files by using the editor, rather than extracted from the broadcasting stream as in the presently claimed invention.

It is noted that the cited paragraph [0175] of Srinivasan merely discloses that thumbnails are linked to the stored digital files that were created in the preliminary marking process to separate screen change sequences. The cited paragraph of Srinivasan further discloses that as thumbnails are sorted and manipulated, stored files are sorted and manipulated accordingly, or alternatively, and editing filed is created. As discussed above, paragraph [0175] of Srinivasan is directed to "sorting" and "manipulating" thumbnails as opposed to extracting thumbnails as in the presently claimed invention. Further, as asserted by the Examiner, Srinivasan discloses "stored files manipulated according to edit" at paragraph [0175]. However, contrary to the Examiner's assertion, it is respectfully submitted that the cited disclosure of Srinivasan fails to disclose "while the broadcasting stream is stored," as recited in independent claim 1.

As discussed above, Srinivasan discloses that thumbnails are extracted from the recorded or stored files, but not from the broadcasting stream as in the presently claimed invention. In other words, in Srinivasan, extraction of the thumbnails and storing of the source files are performed separately, and thus, the thumbnails are extracted not "while" the broadcasting stream is stored. Further, Applicant's review of Srinivasan reveals that nowhere in Srinivasan does it disclose or suggest extracting the thumbnail image from the broadcasting stream while the broadcasting stream is stored, as recited in independent claim 1. Therefore, it is respectfully submitted that Srinivasan fails to disclose or suggest extracting the thumbnail image from the broadcasting stream while the broadcasting stream is stored, as recited in independent claim 1 and extracting a thumbnail image from a broadcasting stream and storing the extracted thumbnail image while the broadcasting stream is stored, as recited in independent claim 6.

Therefore, it is respectfully asserted that independent claims 1 and 6 are allowable over the cited reference. It is further respectfully asserted that claim 5, which depends from independent claim 1, and claims 11-12, which depend from independent claim 6, also are allowable over the cited reference, at least, by virtue of their dependency from their respective allowable independent claims.

§ 103 Rejections

Claim 2-4, 8-10, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan in view of Drucker et al. ("Drucker" U.S. Pat. No. 7,251,790). This rejection is respectfully traversed.

As asserted above, independent claims 1 and 6 are allowable over Srinivasan. Moreover, it is respectfully submitted that Drucker fails to cure the above identified deficiencies of Srinivasan with respect to independent claims 1 and 6.

Therefore, it is respectfully asserted that independent claims 1 and 6 are allowable over the cited combination of references. It is further respectfully asserted that claims 2-4 and 13, which depend from independent claim 1, and claims 8-10 and 14, which depend from independent claim 6, are also allowable over the cited combination of references.

CONCLUSION

In view of the above remarks, Applicant submits that claims 1-6 and 8-14 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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